



M O N T A N A
C O A L I T I O N A G A I N S T
D O M E S T I C A N D S E X U A L
V I O L E N C E

To: House Judiciary Committee
From: Jennifer Hill-Hart, Policy Assistant
Montana Coalition Against Domestic and Sexual Violence
Date: February 01, 2007
Re: HB 491 - Child witness protection in criminal cases

EXHIBIT 3
= 2/1/07

Good morning, Mr. Chairman and Members of the House Judiciary Committee. For the record, my name is Jennifer Hill-Hart and I represent the Montana Coalition Against Domestic and Sexual Violence. We are a statewide membership organization representing direct service programs from across the state that provides services to victims of domestic and sexual violence. We rise in support of House Bill 491.

First, we are very concerned about the aspect of this bill that repeals MCA 46-16-216. Repealing this section entirely, will result in changing the accepted age for video testimony from age 16 to age 12. We strongly believe that victims 16 years of age and younger should be protected by the terms of this bill as well.

Beyond this concern, we support House Bill 491 because it increases protection for our most vulnerable population, our children. Because our criminal justice system is one that is designed for adults, when our children are forced to participate within this system, our most vulnerable population is immediately at a disadvantage. It is hard enough to face a perpetrator when you're an adult, but as we all know, it is tremendously difficult for a child. In 85-90% of cases where a child has to testify against an abuser, the child knows the perpetrator; 35% of the time, the perpetrator is a family member.

These are people that children learn to trust, and typically whose loved ones have learned to trust as well. The adult professionals working with children must be able and willing to recognize that they may need to earn the child's trust as that trust has been broken by an adult. By allowing for an "adult attendant" the justice system is recognizing the value of emotional support for young victims at different developmental stages than the system typically encounters.

Like adults, children do not like to talk about traumatic events and find the criminal justice system intimidating. They are highly likely to "re-live" the abuse and feel the associated emotions again, particularly younger children. This can intensify the victim's trauma and thus pose additional barriers to successful investigation and prosecution, not to mention the affect on the child's psychological development. HB 491 reduces the trauma to children by obtaining the testimony on record, reducing the need for multiple interviews, and allowing it to happen with someone they trust nearby. This can significantly reduce psychological harm to the child. By creating an alternative to live testimony, Montana can protect children from the trauma of seeing the defendant in the courtroom, reliving the experience, and enable the child to testify more effectively.

We encourage you to support HB 491 and ask you to consider keeping the protected age at 16 and younger. We would appreciate an amendment be added to address this concern.

Thank you.

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